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1 RECORD OF ORAL HEARING
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3 UNITED STATES PATENT AND TRADEMARK OFFICE
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5
6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
8

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10 Ex parte JEE-HONG MIN,
11 HWAN-YOUNG CHOI,
12 MOON-GYU LEE,
13 JIN-HWAN KIM,
14 and JIN-SUENG CHOI
15

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17 Appeal 2008-4343
18 Application 10/824,648
19 Technology Center 2800
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22 Oral Hearing Held: Wednesday, November 5, 2008
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26 Before BRADLEY R. GARRIS, CHARLES F. WARREN, and
27 JEFFREY T. SMITH, Administrative Patent Judges
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30 ON BEHALF OF THE APPELLANT:
31

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1 The above-entitled matter came on for hearing on Wednesday,
2 November 5, 2008, commencing at 9:01 a.m., at the U.S. Patent and
3 Trademark Office, 600 Dulany Street, 9th Floor, Alexandria, Virginia,
4 before Laurie Allen, Notary Public.

5 MR. SOKOLOV: Good morning.

6 JUDGE GARRIS: Good morning, Mr. Sokolov. You have
7 about 20 minutes to present your case. Please begin.

8 MR. SOKOLOV: Thank you.

9 (Pause.)

10 MR. SOKOLOV: Okay. I'll go ahead and get started.

11 JUDGE GARRIS: Please.

12 MR. SOKOLOV: I'm here in regard to application number
13 10/824648, and that is the Light Guide Panel with Optical Deflector and
14 Edge-Light Type Backlight System, and if I can just get into a little bit of
15 background about what the application is, and then I'd like to talk about the
16 claims and the arguments, expand a little bit on the arguments we presented
17 in the appeal brief and the reply brief.

18 So, as a way of background, the application provides a light
19 guide panel, and I believe the best representation of what the invention is, is
20 really just in this Figure 3. Figure 3 shows kind of a side profile of this, and
21 if you take a look, element 110 is the guide panel that I'm referring to, and
22 the guide panel has an optical deflector. The optical deflector is going to be
23 element 150.

24 So, these optical deflectors are actually arranged on the top
25 surface of the light guide panel 110, and the light deflectors -- when light
26 from element 120 -- it's the rod-type light element -- when light from

1 element 120 enters the optical panel on edge 112, what will happen is the
2 optical deflectors will actually deflect the light traveling throughout the
3 panel and allow efficient transmission of the light not just at the beginning
4 but also at each portion of the panel, and what they do is -- the way that that
5 functions is they actually deflect the light throughout, and they reduce the
6 range of direction angles, thus allowing the light to travel more efficiently
7 throughout the panel.

8 Now, one thing I want to point out, in particular, is, as I
9 mentioned, the optical deflectors, 150, are arranged on the top surface of the
10 light guide panel, 110. One figure that can illustrate that, in particular, is
11 Figure 5 and also Figure 7. If you take a look at Figure 7, you can see that
12 element 150 is arranged on the top of element 110.

13 Now if we could talk about the claims, one element that the art
14 of record doesn't show -- the art of record doesn't show the combination of a
15 light edge, light type, backlight system which has both the optical deflectors
16 and a rod-shaped source which projects the light on the incident surface, as I
17 described a little bit earlier. The examiner has made an argument that a
18 combination could be made between the Kraft and the Umemoto reference.
19 However, that combination, in our view, is improper.

20 Now, the examiner has conceded that Kraft doesn't teach a
21 rod-shaped light source, and for that purpose, the examiner is relying on
22 Umemoto. However, the combination of Kraft and Umemoto cannot be
23 made, because Kraft teaches away from making that combination. In
24 particular, Kraft teaches that one benefit of Kraft is that the light source is
25 actually placed away from the light emitting zone that Kraft has, and Kraft
26 argues that this is a big benefit that it provides because of reduction in heat,

1 space, maintenance requirements, and other application concerns of common
2 light sources. You can find that in paragraph 36 of Kraft.

3 Now, Kraft also teaches that -- and I'm going to quote here from
4 paragraph 38 -- "When light flux enters the tapered light guide area from the
5 fiber optics or a light pipe" -- the light pipe is illustrated in Figure 4, just for
6 your reference -- "and as such is highly organized as a flux rather than a
7 widespread beam."

8 Well, in contrast, the present application uses rod-type source,
9 and if you look in paragraph 9 of our application, the rod-type light source is
10 described as having a range of angles of plus or minus 90 degrees, which
11 would be considered a widespread beam, exactly what Kraft says they would
12 rather not have.

13 JUDGE SMITH: Excuse me, Counselor. Could you go back
14 and read paragraph 37?

15 MR. SOKOLOV: Yes, sir. Are you referring to the last
16 sentence of that paragraph, where it --

17 JUDGE SMITH: Yes.

18 MR. SOKOLOV: Yes. I would like to talk about that. If I can
19 just read the quote -- "Light entering the tapered light guide injection can be
20 from any light source," and that's the argument the examiner has made, but
21 the rest of the quote continues and says, "and can be conducted by any fiber
22 optic or light pipe system."

23 What that means is, in Kraft, they want the light source to be
24 located away. So, although any light source can be used, that light source
25 has to be used in conjunction with the light pipes, which locate it away from
26 the -- the light emitting area.

1 So, the light pipes are actually a required -- a required portion
2 of Kraft, and eliminating that portion of Kraft, as the examiner contends it
3 would be obvious to do, is not -- would be an improper modification,
4 because it would change the principles of the Kraft device operation.

5 Kraft wants you to have the light source located away, because
6 as a result of that, paragraph 36 of Kraft explains that, with the remote light
7 source device, you overcome the space requirements, heat production,
8 maintenance requirement, and application limitations of common light
9 sources. So, although we agree that, if you look at Figure 4 of Kraft, you
10 can have this light source that's located away from the light emitting zone,
11 the light pipes are actually a required portion of that to achieve the benefits
12 that Kraft was designed to provide.

13 Now, one other additional portion that I want to discuss -- and
14 this is something that we addressed in our amendments, the 111 amendment
15 of March 1, 2006, and the amendment under section 116 of July 13, 2006, is
16 whether Kraft actually teaches a polyhedral optical deflector.

17 JUDGE SMITH: Did you present that argument in your brief?

18 MR. SOKOLOV: No, we did not. It was on the record before,
19 but --

20 JUDGE SMITH: You really are limited to arguments presented
21 in the brief --

22 MR. SOKOLOV: Okay. I thought --

23 JUDGE GARRIS: We can't allow you to present arguments
24 that are outside those briefs, because the examiner has not had an
25 opportunity to respond to it in the answer, so we only get one side of the
26 story.

1 MR. SOKOLOV: Okay. I apologize for that. I thought if it
2 was on the record, I would have a chance to address it.

3 JUDGE GARRIS: It's not on the record of the appeal.

4 MR. SOKOLOV: Of the appeal. Okay. Then I will just limit
5 my arguments to the ones I presented here, and again, I just want to
6 emphasize that the rod-shaped light would not be combined with Kraft,
7 because not only would you have to eliminate the light pipes which provide
8 the benefit that Kraft describes in paragraph 36 but you would also change
9 the principles of operation of the Kraft device, which is -- which, as I
10 described in paragraph -- which is described in paragraph 38 of Kraft as
11 wanting to have a highly organized flux entering the light emitting area
12 rather than a widespread beam which would be provided by the rod-type
13 light.

14 Is there any questions?

15 JUDGE SMITH: No.

16 JUDGE GARRIS: No further questions, sir. Thank you very
17 much.

18 MR. SOKOLOV: Thank you very much.

19 Whereupon, at approximately 9:10 a.m., the proceedings were
20 concluded.

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